

AN ORDINANCE 101079

AUTHORIZING AND RATIFYING A PROFESSIONAL SERVICES CONTRACT WITH MILLER, CANFIELD, PADDOCK AND STONE, AND SPIEGEL AND MCDIARMID, WITH TILLMAN L. LAY AS THE PRINCIPAL LEGAL CONSULTANT, IN AN AMOUNT NOT TO EXCEED \$72,000.00, TO PROVIDE LEGAL ADVICE AND SERVICES RELATED TELECOMMUNICATIONS AND CABLE ISSUES.

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WHEREAS, since 1998, the City has utilized the legal services of Miller, Canfield, Paddock & Stone, P.L.C. to assist the City in matters related to the development of the City's cable and telecommunications policies and agreements, and Mr. Tillman L. Lay has served as the principal attorney providing these services; and

WHEREAS, since this time, the City has incurred approximately \$166,000.00 (for an average annual expenditure of \$27,666.00) in outside legal fees with this firm for legal services on a wide range of complex issues and projects in coordination with the City Attorney's Office; and

WHEREAS, effective April 16, 2005, Mr. Tillman Lay left Miller, Canfield, Paddock & Stone, P.L.C. to join the law firm of Spiegel & McDiarmid, which is located in Washington, D.C. and represents local governments and co-op utilities nationwide, specializing in providing legal services in the areas of telecommunications, energy, governmental affairs, litigation, and other matters; and

WHEREAS, in order to facilitate continuity of services on these complex issues, it is recommended by staff that the Professional Services Contract with Miller, Canfield, Paddock & Stone be closed out and an Agreement with Spiegel & McDiarmid be executed; and

WHEREAS, this action will ratify services in the amount of \$6,487 that were incurred for services provided by Mr. Lay prior to his departure from Miller, Canfield, Paddock, & Stone; and

WHEREAS, this action will also ratify approximately \$9,065.00 in services performed by Mr. Lay since he began employment with Spiegel & McDiarmid, for an approximate total of \$15,552.00 in ratified services; and

WHEREAS, the total amount authorized to be paid will not exceed \$72,000.00, which includes the total for the ratified services, and will be authorized from the General Fund from non-departmental budget, one-time funds allotted in the FY 2004 Adopted Budget; and

WHEREAS, this action was coordinated through the Public Utilities Division and the City Attorney's Office; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A professional services agreement with Miller, Canfield, Paddock & Stone, P.L.C. for total amount not to exceed \$6,487, to ratify services provided and related to telecommunications, cable, broadband or internet matters, is hereby approved. A copy of the agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as Attachment I.

SECTION 2. A professional services agreement with Spiegel & McDiarmid for total amount not to exceed \$65,513, to provide the City with legal assistance related to telecommunications, cable, broadband or internet matters, is hereby approved, and those legal services already provided in association with that scope are hereby ratified. A copy of the agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as Attachment II.

SECTION 3. The City Manager, or his designee, is authorized to execute said Professional Services Agreements in substantially the same form as Attachments I and II.

SECTION 4. Funds in the amount of \$6,847.00 were appropriated and will be encumbered in Fund 11001000, entitled "General Fund", General Ledger 5201040, entitled "Fees to Professional Contractors", Cost Center 8002060001 and will be made payable to Miller, Canfield, Paddock and Stone.

SECTION 5. Funds in the amount of \$9,065.00 were appropriated and will be encumbered in Fund 11001000, entitled "General Fund", General Ledger 5201040, entitled "Fees to Professional Contractors", Cost Center 8002060001 and will be made payable to Spiegel & McDiarmid.

SECTION 6. Funds in an amount not to exceed \$56,448 are authorized to be encumbered in Fund 11001000, entitled "General Fund", General Ledger 5201040, entitled "Fees to Professional Contractors", Cost Center 8002060001 and will be made payable to Spiegel & McDiarmid

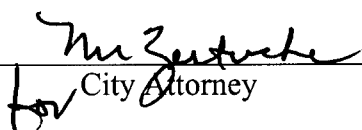
SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 8. This ordinance shall take effect on the tenth (10th) day after the date of passage hereof.

PASSED AND APPROVED this 30th day of June, 2005.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: 5.

Date: 06/30/05

Time: 11:20:05 AM

Vote Type: Multiple selection

Description: An Ordinance authorizing and ratifying a professional services contract with Miller, Canfield, Paddock and Stone, and Spiegel and McDiarmid, with Tillman L. Lay as the principal legal consultant, in an amount not to exceed \$72,000.00, to provide legal advice and services related telecommunications and cable issues. [Presented by Ben Gorzell, Jr., Director/Supervisor, Public Utilities; Melissa Byrne Vossmer, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. McNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		